
STATUTORY RULES OF NORTHERN IRELAND

2013 No. 160

The Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013

PART 1

GENERAL

Discharge and scope of functions

7.—(1) This regulation determines the authority by whom the functions conferred or imposed by these Regulations on an enforcing authority are exercisable and the purposes for which they are exercisable.

(2) Those functions, in their application to a Part A installation or Part A mobile plant, shall be functions of the chief inspector and shall be exercisable for the purpose of achieving a high level of protection of the environment taken as a whole by, in particular, preventing or, where that is not practicable, reducing emissions into the air, water and land.

(3) Those functions, in their application to a Part B installation or Part B mobile plant, shall be functions of the chief inspector and, subject to paragraph (5), shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(4) Those functions, in their application to a Part C installation, shall be functions of the district council in whose district the installation is (or will be) situated and, subject to paragraph (5), shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(5) The functions conferred or imposed by these Regulations in relation to a SED installation shall be exercisable for the purpose of preventing or reducing emissions of volatile organic compounds into air, soil and water as well as preventing the inclusion or reducing the amount of solvents contained in any product.

(6) Those functions, in their application to a Part C mobile plant, shall be functions of—

- (a) where the operator of the mobile plant has their principal place of business in Northern Ireland, the district council in whose district that place of business is;
- (b) where the operator of the mobile plant has their principal place of business outside of Northern Ireland and the mobile plant is not covered by a permit, the district council in whose district the plant is first operated or, where the plant has not been operated in Northern Ireland, the district council in whose district it is intended by the operator that the plant should first be operated;
- (c) where the operator has their principal place of business outside of Northern Ireland and the mobile plant is covered by a permit, the district council which granted the permit,

and shall be exercisable for the purpose of preventing or, where that is not practicable, reducing emissions into the air.

(7) The Department may, as respects functions under these Regulations exercisable by a district council specified in a direction, direct that those functions shall be exercised instead by the chief inspector while the direction remains in force or during such period as may be specified in the direction.

(8) A transfer of functions under paragraph (7) to the chief inspector relating to Part C installations or Part C mobile plant does not make them exercisable by the chief inspector for any other purpose than that mentioned in paragraphs (4), (5) and (6).

(9) The Department may, as respects functions under these Regulations exercisable by the chief inspector in respect of Part B installations specified in a direction, direct that those functions shall be exercised instead by a district council while the direction remains in force or during such period as may be specified in the direction.

(10) A direction under paragraph (7) may transfer functions exercisable by a district council in relation to all or certain types of installations or mobile plant (a “general direction”) or in relation to a specific installation or mobile plant specified in the direction (a “specific direction”) but a direction under paragraph (9) may only be a specific direction.

(11) A direction under paragraph (7) or (9) may include such saving and transitional provisions as the Department considers necessary or expedient.

(12) The Department, on giving or withdrawing a general direction under paragraph (7), shall—

(a) serve notice of it on the chief inspector and on the district councils affected by the direction; and

(b) cause notice of it to be published as soon as practicable in the Belfast Gazette and in at least two newspapers circulating in the district of each district council affected by the direction, and any such notice shall specify the date on which the direction is to take (or took) effect and (where appropriate) its duration.

(13) The Department, on giving or withdrawing a specific direction under paragraph (7) or (9), shall—

(a) serve notice on the chief inspector, the district council and the operator or the person appearing to the Department to be the operator of the installation or mobile plant affected; and

(b) cause notice of it to be published in the Belfast Gazette and in at least two newspapers circulating in the district council’s district,

and any such notice shall specify the date on which the direction is to take (or took) effect and (where appropriate) its duration.

(14) The requirements of paragraph (12)(b) or paragraph (13)(b) shall not apply in any case where, in the opinion of the Secretary of State, the publication of the notice in accordance with that sub-paragraph would be contrary to the interests of national security.

(15) It shall be the duty of the chief inspector to follow developments in BAT, and the publication of any new or updated BAT conclusions and he shall make that information available to the public concerned.

(16) The chief inspector shall have regard to any guidance established by the European Commission which assists in encouraging the development and application of emerging techniques.

(17) Schedules 8 to 13 shall have effect.